

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA, ex rel. W.A. )  
DREW EDMONDSON, in his capacity as )  
ATTORNEY GENERAL OF THE STATE )  
OF OKLAHOMA AND OKLAHOMA )  
SECRETARY OF THE ENVIRONMENT )  
C. MILES TOLBERT, in his capacity as the )  
TRUSTEE FOR THE NATURAL )  
RESOURCES FOR THE STATE OF )  
OKLAHOMA, )  
 )  
Plaintiff, )

v. )

Case No. 05-CV-00329 GKF-SAJ

TYSON FOODS, INC., TYSON )  
POULTRY, INC., TYSON CHICKEN, )  
INC., COBB-VANTRESS, INC., CAL- )  
MAIN FOODS, INC., CAL-MAINE )  
FARMS, INC., CARGILL, INC., )  
CARGILL TURKEY PRODUCTION, LLC, )  
GEORGE'S, INC., GEORGE'S FARMS, )  
INC., PETERSON FARMS, INC., )  
SIMMONS FOODS, INC., and WILLOW )  
BROOK FOODS, INC., )  
 )  
Defendant. )

**AFFIDAVIT OF MIKE DICKS**

STATE OF OKLAHOMA )  
 ) SS.  
COUNTY OF PAYNE )

Mike Dicks, of lawful age, being first duly sworn, deposes and states as follows:

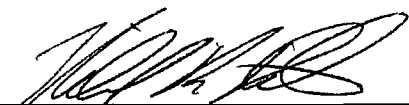
1. My name is Mike Dicks. I am a professor at Oklahoma State University. My address is in Stillwater, Oklahoma.
2. Everything in this affidavit is true and correct to the best of my information and belief.

3. I live in Payne County. I have a PhD in Agricultural Economics from the University of Missouri at Columbia. In my current position as a professor in the Agriculture Economics Department at Oklahoma State University, my duties include responsibility for teaching (37%), research (38%), and extension (25%) in agricultural policy. Related areas of my research include rural development, natural resource use, international (trade, development, commodity) policy, and macroeconomics links to agriculture.
4. Along with Dr. Gordon Rausser, I have provided a Declaration in Opposition to the Plaintiff's Motion for Preliminary Injunction on behalf of the Defendants. The information provided in this affidavit is from research gathered for that Declaration, but not specifically included in the Declaration.
5. I created the attached chart. The chart reflects the numbers I describe in paragraphs 6, 7, 8 and 9 herein.
6. Using the Plaintiff's figure of 347,000 tons of poultry litter being generated annually in the Illinois River Watershed (Plaintiff's Exhibit 13, page 3), the cost of that amount of poultry litter generated in and applied in the Illinois River Watershed is \$6,551,360. That value of poultry litter is based upon \$18.88 per ton, which includes the price of litter, twenty-five miles of transport, required paperwork, and application.
7. I calculated the amount of nitrogen, phosphorus and potassium in 347,000 tons of poultry litter as 20,820,000 pounds of each.
8. To apply commercial fertilizer in an amount of nitrogen, phosphorus and potassium equivalent to that in poultry litter would have cost \$33,862,674 in January 2008. That cost of commercial fertilizer is based upon purchasing commercial fertilizer the first week of January 2008, from the Cimarron Valley Cooperative in Perkins, and includes transportation costs from the Port of Catoosa.
9. As of the date of this affidavit, February 14, 2008, to apply commercial fertilizer in an amount of nitrogen, phosphorus and potassium equivalent to that in poultry litter would cost \$36,661,304. That cost of commercial fertilizer is based upon purchasing commercial fertilizer on February 13, 2008, from the Cimarron Valley

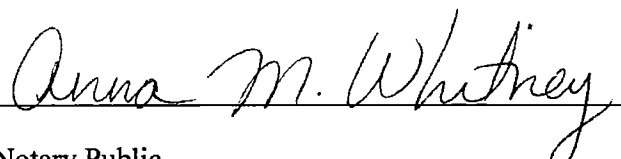
Cooperative in Perkins, and includes transportation costs from the Port of Catoosa.

10. We have not measured the value of the poultry litter with regard to its organic matter, micronutrients, and any ability to increase pH in the soil. That value is above and beyond the value of poultry litter for the nutrients nitrogen, phosphorus and potassium. It is clear from the affidavits submitted by Oklahoma Farm Bureau members, that they consider those aspects of poultry litter to provide great value to soil building and retention, as well as forage production.

Dated this 14 day of February, 2008.

  
\_\_\_\_\_  
Michael R. Dicks

Subscribed and sworn to before me this 14 day of February, 2008.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:

2/25/11

[SEAL]

State of Oklahoma  
County of Payne



**Replacement cost of nutrients (February 13, 2008)**

	lbs N	lbs P	lbs K	cost for N	cost for P	cost for K	Total
Replace tons litter	347,000	20,820,000	20,820,000	\$11,880,978	\$16,972,826	\$7,807,500	<b>\$36,661,304</b>
total tons							

**\$6,551,360** cost of 347,000 tons of litter to supply  
on the field in the watershed

**\$36,661,304** cost to supply NPK in chemical fertilizer equivalent  
to 347,000 tons of litter

**Replacement cost of nutrients (January 2008)**

	lbs N	lbs P	lbs K	cost for N	cost for P	cost for K	Total
Replace tons litter	347,000	20,820,000	20,820,000	\$11,880,978	\$15,388,696	\$6,593,000	<b>\$33,862,674</b>
total tons							

**\$6,551,360** cost of 347,000 tons of litter to supply  
on the field in the watershed

**\$33,862,674** cost to supply NPK in chemical fertilizer equivalent  
to 347,000 tons of litter